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Attorneys for Plaintiff

LOVELAND INDUSTRIES, INC. d/b/a/ UAP WEST

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

LOVELAND INDUSTRIES, INC. d/b/a UAP  
 WEST, a Colorado Corporation

Plaintiff,

v.

WILBUR-ELLIS COMPANY, a California  
 corporation, DOUGLAS SNYDE, an individual,  
 WILLIAM FRANCIS, an individual, ARMON  
 AZEVEDO, an individual and DOES 1 through  
 20, inclusive,

Defendants.

Case No. C 05-00840 SC

Judge: Hon. Samuel Conti  
 Courtroom: 1

Complaint Filed: February 28, 2005

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER  
 REGARDING MEDIATOR**

Plaintiff Loveland Industries, Inc., d/b/a UAP West ("UAP" or "Paintiff"), by and through its counsel, Stanzler Funderburk & Castellon LLP, and Defendants Wilbur-Ellis Company ("Wilbur-Ellis"), Douglas Snyder ("Snyder"), William Francis ("Francis"), and Armon Azevedo ("Azevedo") (collectively, "Defendants"), by and through their counsel, Orrick, Herrington & Sutcliffe LLP (collectively, "the parties"), present the following stipulation and proposed order.

The parties have been ordered by the Court to conduct a mediation before the Court-appointed mediator, Roderick M. Thompson. After discussion and consideration and with all due respect to Mr. Thompson, the parties prefer to conduct a mediation before a private mediator. The parties have selected Judge Edward Infante (Ret.).

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

The parties will conduct a private mediation with Judge Infante.

Dated: August 12, 2005

TIMOTHY J. LONG  
MICHAEL D. WEIL  
CHRISTIAN N. BROWN  
ORRICK, HERRINGTON & SUTCLIFFE LLP

By: \_\_\_\_\_

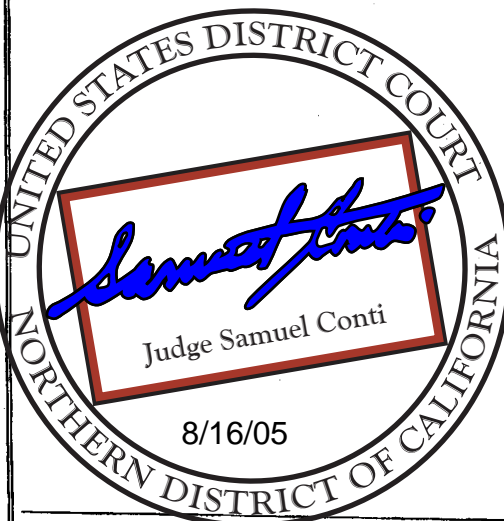
Michael D. Weil  
Attorneys for Defendants  
Wilbur-Ellis Company; Douglas Snyder;  
William Francis; and Armon Azevedo

Dated: August 12, 2005

RUBEN A. CASTELLON  
ROSS H. HIRSCH  
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By: \_\_\_\_\_

Ruben A. Castellon  
Attorneys for Plaintiff  
Loveland Industries, Inc. d/b/a/ UAP West



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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED on this \_\_\_\_ day of \_\_\_\_\_,  
2005

\_\_\_\_\_  
Hon. Samuel Conti  
United States District Court Judge